

## ORDINANCE NO. 14

### 2005 SERIES

#### **AN ORDINANCE AMENDING ORDINANCE NO. 15, 1990 SERIES, OF RECORD IN FISCAL COURT ORDER BOOK 15, PAGE 538 RELATING TO THE ABATEMENT OF NUISANCES IN THE UNINCORPORATED AREAS OF FRANKLIN COUNTY, KENTUCKY**

**WHEREAS**, the Franklin County Fiscal Court has the authority pursuant to KRS 69.083 (3) (a), to enact ordinances to cause the abatement of nuisances; and,

**WHEREAS**, there exists in the unincorporated areas of Franklin County, Kentucky, properties whose condition or use causes or tends to cause substantial diminishing of the value of residential or commercial properties or tends to render such properties as dangerous or detrimental or adverse to the health and welfare of the residents of Franklin County, Kentucky;

**NOW, THEREFORE**, be it ordained by the Fiscal Court of the County of Franklin, Commonwealth of Kentucky, as follows:

1. Definitions

- a. "Nuisance" means any condition or the use of premises or of building exteriors in a residential or commercial district which is or tends to render such properties as dangerous or detrimental or adverse to the health and welfare of others, or which causes or tends to cause substantial diminishing of the value of other properties in the area in which such premises are located. This includes, but is not limited to, the keeping or the depositing on or the scattering over the premises of any of the following:
  1. Lumber, junk, trash, or debris;
  2. Abandoned, discarded or unused object or equipment such as mobile or manufactured homes, campers, automobiles, furniture, stoves, refrigerators, freezers, cans or containers;
  3. Partially dismantled, wrecked, junked, discarded, or otherwise non-operating motor vehicles.
  4. Keeping unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep upon any residential or commercial property septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents or animals. This section shall not apply to overflowing septic tanks and lateral lines as those items are subject to existing health department regulations.

2. Duty of Maintenance of Private Property

No person owning, leasing, or occupying or having charge of any residential or commercial property shall maintain, create, or permit such property or condition thereon to be a nuisance.

3. Exterior Storage of Non-Operating Vehicles Prohibited

No person in charge of or in control of any commercial or residential property, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantles, wrecked, junked, discarded or otherwise non-operating motor vehicle to remain on such property longer than thirty (30) days; and no person shall leave any such vehicle on any property for a longer time than thirty (30) days; except that this section shall not apply with regard to any vehicle in an enclosed building. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place and manner when the keeping or maintenance of such vehicle is necessary to the operations of such business enterprise; nor shall it apply with regard to a vehicle in the appropriate storage place or depository maintained in a lawful place and manner.

4. Abandoned Mobile/Manufactured Homes and Campers Prohibited

No person in charge of or in control of any commercial or residential property, whether as owner, lessee, tenant, occupant or otherwise shall allow any abandoned, junked, discarded, or otherwise non-inhabitable mobile/manufactured home or camper to remain on such property longer than thirty (30) days; and no person shall leave any such mobile/manufactured home or camper on any property for a longer time than thirty (30) days; except that this section shall not apply with regard to any camper that is being stored on residential or commercial property when not being used for recreational use.

5. Petition and Notice

This ordinance shall be enforced upon a complaint being filed with the Franklin County Judge/Executive or the Office of Planning and Zoning. The Franklin County Enforcement Officer shall visit the site of the alleged violation, upon investigation, determine if the owner, lessee, or occupant of and residential or commercial property is maintaining or keeping a nuisance thereon or maintaining his premises in a manner causing substantial diminishing of the value of other property in the area, or tends to render such properties as dangerous or detrimental or adverse to health and welfare of the residents of Franklin County, then the enforcement authority shall serve notice on the property owner, lessee, or occupant or person having charge of the premises directing said person(s) to abate the nuisance within ten (10) days of receipt of the notice.

6. Abatement

In the event that an owner, lessee, or occupant is notified by the Franklin County Enforcement Officer that an abandoned mobile home/manufactured home or camper must be removed from the property, Franklin County Fiscal Court will provide for the costs of the demolition and compaction of the abandoned structure into a dumpster, along with associated cleaning of the site. The owner, lessee, or occupant shall be responsible for the rest and remainder of the disposal costs.

In the event an owner, lessee, or occupant fails to pay for the costs of the dumpster and landfill disposal charges, Franklin County Fiscal Court shall advance those costs, secured by a lien against the property for those costs plus interest accruing at the rate of 1% per annum, to be filed in the office of the Franklin County Court Clerk.

7. Penalty

If the owner, lessee, occupant or person having charge of any residential or commercial property shall maintain or keep a nuisance thereon longer than ten (10) days after notice from the Franklin County Enforcement Officer, then each of them, upon conviction thereof, shall be fined not less than One Hundred (\$100.00) Dollars but no more than Five Hundred (\$500.00) Dollars for each conviction. Each day of violation shall constitute a separate offense.

THIS ORDINANCE NO.14, 2005 SERIES SHALL BECOME EFFECTIVE OF THE DATE OF THE SECOND READING AND ADOPTION.

Introduced and given first reading at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky held on the 18 day of August, 2005.

Given second reading and adopted at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 2 day of September, 2005 and of record in Fiscal Court Order Book 20, Page 238.

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Robert Roach  
County Judge/Executive

Attested to:

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Shirley Brown  
Fiscal Court Clerk